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14 January 1953

Mr. William E. Foley
Chief, Internal Security Section
Criminal Division
Department of Justice
Washington 25, D. C.

Dear Mr. Foley:

In accordance with our discussion on the telephone, there appears to be agreement between us that Section 20 of the Internal Security Act of 1950 as presently worded does not meet the practical problems presented to us and to you in exempting certain persons from registration. At present to obtain a written determination by the Attorney General or the Director of Central Intelligence that registration would not be in the interest of National security, the determination must be based upon employment by a Government agency with responsibilities in the field of intelligence and the individual must himself have made full written disclosure which is a matter of record in the files with the employing agency.

As you are aware, there are certain persons not employed by the United States Government and who are not in a position to make written disclosure of the required information, but who are in such a situation that requirement of registration would be seriously adverse to the National interest and security. It would seem to be within the spirit of the Act to provide for exemption also in these cases provided the Government has adequate knowledge and control of the situation. We are setting forth below, therefore, language which we believe might serve our purpose without violating the intent of the original Act. Specifically, our wording refers to subsection 5 of Section 1 (c) of the Act of June 8, 1938, which subsection was added by Section 20 of the Internal Security Act of 1950. No change will be made in the first provisions, but starting with the third "unless" we suggest the language might be as follows:

"Unless an Agency of the United States Government having responsibilities in the field of intelligence has the pertinent information on the individual as a matter of record in its files and so certifies to the Attorney General and a written determination has been made by the Attorney General or the Director of Central Intelligence based on all information available, that registration would not be in the interest of National security."

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Would you please give us your thoughts on this or any alternative suggestions you may have in mind and inform us if you would sponsor an amendment which would enable us to achieve our aims? We, of course, would take any action necessary and appropriate before the committees of Congress and elsewhere to assist passage.

Very truly yours,

LAWRENCE R. HOUSTON
General Counsel

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